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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 1, 2, and 3

[Docket No. 97-024-1]

RIN 0579-AA89

Animal Welfare; Regulation of Pocket Pets

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Policy statement.

SUMMARY: This document gives notice that we are now regulating under the Animal Welfare Act the handling, care, and treatment at retail pet stores of small mammals commonly referred to as "pocket pets" and requiring any retail pet store that sells pocket pets to be licensed as a dealer under the Animal Welfare Act. This action is necessary because the Animal Welfare Act regulations require regulation of all persons who sell exotic or wild animals for research, exhibition, or for use as a pet, and we consider pocket pets to be exotic or wild animals for this purpose.

FOR FURTHER INFORMATION CONTACT: Dr. Bettye K. Walters, Staff Veterinarian, Animal Care, APHIS, USDA, 4700 River Road Unit 84, Riverdale, MD 20737-1234, (301) 734-7833.

SUPPLEMENTARY INFORMATION: The Animal Welfare Act (AWA) (7 U.S.C. 2131 *et seq.*) authorizes the Secretary of Agriculture to promulgate standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers and other regulated businesses. The Secretary of Agriculture has delegated the responsibility for

enforcing the AWA to the Administrator of the Animal and Plant Health Inspection Service (APHIS). Regulations established under the AWA are contained in 9 CFR parts 1, 2, and 3. APHIS regulates animal dealers by issuing them annual licenses and conducting unannounced inspections of their premises to check for compliance with the AWA standards and regulations.

In recent years, several species of small, generally nondangerous mammals, including hedgehogs, degus, spiny mice, prairie dogs, flying squirrels, and jerboas, have increasingly been sold at retail pet stores in the United States. These and other small mammalian species are collectively and commonly referred to as "pocket pets." However, none of these species, some of which are native to the United States and others of which are native to foreign countries, have been domesticated as pets in the United States in the sense that dogs, cats, and other common pet-type animals have been domesticated. Therefore, APHIS considers pocket pets to be exotic or wild animals under the AWA regulations, and any retail pet store that sells a pocket pet is subject to AWA regulation.

Several years ago, some retail pet stores across the United States started selling limited numbers of pocket pets on a sporadic basis. In general, retail pet stores are exempt from AWA regulation unless they sell animals to a research facility, an exhibitor, or a dealer. Our policy was not to regulate the retail pet stores that were selling pocket pets because the effort needed to identify and regulate these stores did not appear to be a prudent use of our AWA enforcement resources. However, we continued to reevaluate this policy as the popularity of pocket pets grew among U.S. consumers. Because many retail pet stores are now selling pocket pets on a regular basis, we now believe that it is feasible and necessary to identify and regulate these stores.

Therefore, we are giving notice that, in order to ensure the humane care and treatment of pocket pets in the commercial pet trade, we are now regulating the handling, care, treatment, and transportation provided to such

animals by retail pet stores and requiring that retail pet stores dealing in these animals be licensed under the AWA. The AWA licensing requirements for animal dealers are specified in 9 CFR part 2, subpart A, and the care standards for pocket pets are covered in 9 CFR part 3, subpart F. For information about becoming licensed as a dealer under the AWA, contact the person listed above under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 13th day of January 1998.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-1312 Filed 1-20-98; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

[Docket No. 95-100-2]

RIN 0579-AA78

Humane Treatment of Dogs and Cats; Wire Flooring

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations under the Animal Welfare Act regarding suspended flooring of mesh or slatted construction in primary enclosures for dogs and cats. We are requiring that such flooring made of metal strands be constructed either of metal strands greater than 1/8 of an inch in diameter or of metal strands equal to or less than 1/8 of an inch in diameter coated with a material such as plastic or fiberglass. We are also requiring that any primary enclosure with a suspended floor for a dog or cat be constructed so that the floor does not bend or sag between the supports. It is our experience that suspended flooring made of wire (by which we mean any metal strand that has a diameter equal